

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

STEVEN ORICK,	:	NO. 1:10-CV-00871
	:	
Plaintiff,	:	
	:	
vs.	:	ORDER
	:	
COMMISSIONER OF SOCIAL	:	
SECURITY,	:	
	:	
Defendant.	:	

This matter is before the Court on the Magistrate Judge's Report and Recommendation (doc. 16), to which there were no objections.

Proper Notice has been given to the parties under 28 U.S.C. § 636(b)(1)(C), including notice that the parties would waive further appeal if they failed to file objections to the Report and Recommendation in a timely manner. United States v. Walters, 638 F.2d 947 (6th Cir. 1981). As of the date of this Order, no objections have been filed.

Having reviewed this matter de novo pursuant to 28 U.S.C. § 636, the Court finds the Magistrate Judge's Report and Recommendation thorough, well-reasoned, and correct.

Accordingly, the Court hereby ADOPTS and AFFIRMS the Magistrate Judge's Report and Recommendation (doc. 16) in all respects, REVERSES the decision of the Commissioner denying

Plaintiff disability insurance benefits, and REMANDS this matter under Sentence Four of 42 U.S.C. § 405(g). On remand, the ALJ is instructed to 1) request supplemental or clarifying evidence from Dr. Nickell in support of disability opinions, including clinical findings and diagnostic testing; 2) properly assess and evaluate the opinion evidence relating to Plaintiff's impairments in accordance with agency regulations and controlling law; 3) properly consider Plaintiff's credibility and complaints of pain, and provide a clear explanation for the conclusions reached therein, and 4) provide a hypothetical question to the vocational expert that accurately portrays Plaintiff's impairments and resolve any conflicts between the evidence provided by the vocational expert and the DOT. As no further matters remain pending before this Court, this case is CLOSED.

SO ORDERED.

DATED: March 8, 2012

/s/ S. Arthur Spiegel

S. Arthur Spiegel

United States Senior District Judge